

In the

**United States Court of Appeals
for the Federal Circuit**

14-1797

(U.S. District Court Eastern District of Michigan case No. 14cv10021)

ADDICTION AND DETOXIFICATION INSTITUTE L.L.C,
Appellant,

v.

JAMES CARPENTER, RICARDO BORREGO, MICHAEL MICHAEL, DBA
Eagle Advancement Institute,
Appellee.

Appeal from the United States District Court for the
Eastern District of Michigan

EMERGENCY MOTION TO RESET ARGUMENT
SCHEDULED FOR JUNE 2, 2015

EMERGENCY MOTION TO RESET ARGUMENT
SCHEDULED FOR JUNE 2, 2015

Pursuant to the Rules of the United States Court of Appeals for the Federal Circuit, Appellant Addiction and Detoxification Institute LLC (“Appellant ADI”), respectfully requests resetting of the scheduled oral arguments in the above captioned case set for June 2, 2015

As previously advanced by counsel for the Appellant, Thomas K. Mirabile, attorney for the Appellant has been diagnosed with advanced spinal arthritis after a series of tests at Edward Hospital. Counsel is undergoing physical therapy to overcome his current inability to walk without assistance of a walker and inability to walk more than twenty feet. In the process of tests for his arthritic conditions an abdominal aneurism was seen leading to future tests and treatment by a cardiologist

Counsel has due to the necessity for pain medication and the limitations of his condition been granted by the Federal Court in Chicago was allowed to conduct motions via telephonic communication. Counsel has not made any actual court appearances since December 2014 because of the condition.

Counsel has been under doctors care for the last number of months with some improvement and progress however pain management and physical limitation issues are still present and significant.

Appellant's counsel has been referred to the pain management clinic at Loyola University Medical Center in Maywood, Illinois for consideration of a spinal block for control of the chronic pain issues.

He is scheduled for examination and treatment in the first part of June. Counsel is also being reevaluated for the abdominal aneurism with a MRI scheduled mid June for a determination of surgical intervention.

Counsel has attempted to obtain permission of the opposition counsel to advance this motion to continue the oral arguments to a date to be set at least a month forward due to the upcoming medical procedures and counsels inability to tolerate travel and mobility. Counsel for Appellee has informed counsel that he opposes the motion for a continuance.

Counsel for the Appellant is a sole practitioner without available counsel to substitute for him before the Court of Appeals.

For the above reasons, Appellant believes that one month extension of time, would allow counsel to potentially be able to assume his law obligations and is reasonable and asks the Court to grant this motion.

A proposed order believed appropriate for entry by this Court is attached to this motion.

May 26, 2015

Respectfully submitted,

/s/ Thomas K Mirabile
Thomas Keith Mirabile
MIRABILE LAW
1745 South Naperville Road
Suite 200
Wheaton, IL 60189
Telephone: (630) 665-6904
Facsimile: (630) 665-4343
Email: lawchicago@comcast.net

Attorney for Appellant
ADDICTION AND DETOXIFICATION INSTITUTE

In the
**United States Court of Appeals
for the Federal Circuit**

14-1797
(U.S. District Court Eastern District of Michigan case No. 14cv10021)

ADDICTION AND DETOXIFICATION INSTITUTE L.L.C,
Appellant,
v.
JAMES CARPENTER, RICARDO BORREGO, MICHAEL MICHAEL, DBA
Eagle Advancement Institute,
Appellee.

Appeal from the United States District Court for the
Eastern District of Michigan

Order

EMERGENCY MOTION TO RESET ARGUMENT
SCHEDULED FOR JUNE 2, 2015

UPON CONSIDERATION OF Appellant's Emergency Motion to reset
Oral argument:

IT IS ORDERED that:

The Motion is granted, with oral arguments reset for presentation on the ____
day of July 2015

Date: _____

In the
**United States Court of Appeals
for the Federal Circuit**

14-1797
(U.S. District Court Eastern District of Michigan case No. 14cv10021)

ADDICTION AND DETOXIFICATION INSTITUTE L.L.C.,
Appellant,
v.
JAMES CARPENTER, RICARDO BORREGO, MICHAEL MICHAEL, DBA
Eagle Advancement Institute,
Appellee.

Appeal from the United States District Court for the
Eastern District of Michigan

DECLARATION OF THOMAS K MIRABILE

1. I am an attorney in the law firm Mirabile Law Firm, and am principal counsel for Appellant Addiction and Detoxification Institute, LLC (“Appellant”) in this appeal. I submit this declaration of counsel in connection with Appellant’s Emergency Motion to Reschedule Oral arguments set for June 2, 2105
2. All of the facts set forth in the motion are true and correct and are based on my personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed May 26, 2015.

Respectfully submitted,

/s/ Thomas K Mirabile
Thomas Keith Mirabile
MIRABILE LAW
1745 South Naperville Road
Suite 200
Wheaton, IL 60189
Telephone: (630) 665-6904
Facsimile: (630) 665-4343
Email: lawchicago@comcast.net

Attorney for Appellant
ADDICTION AND DETOXIFICATION INSTITUTE

Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

_____ v. _____

No. _____

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

_____ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Date_____
Signature of counsel_____
Printed name of counsel

Please Note: All questions must be answered

cc: _____

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 26th day of May 2015, I caused the foregoing Motion to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Kristopher K Hulliberger
Howard & Howard
450 W. Fourth Street
Royal Oak, MI 48067-2557
(248) 645-1483
KHulliberger@HowardandHoward.com

/s/ Thomas K Mirabile
Thomas Keith Mirabile
MIRABILE LAW
1745 South Naperville Road
Suite 200
Wheaton, IL 60189
Telephone: (630) 665-6904
Facsimile: (630) 665-4343
Email: lawchicago@comcast.net

Counsel for Appellant Addiction and Detoxification